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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,717	08/28/2001	Pasi Lahti	108347-00009	2909
32294	7590	10/01/2004	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			ABRISHAMKAR, KAVEH	
			ART UNIT	PAPER NUMBER
			2131	7

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/939,717

Applicant(s)

LAHTI ET AL.

Examiner

Kaveh Abrishamkar

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/28/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the communication filed on August 28, 2001.
Claims 1 – 10 were received for consideration. The preliminary amendment filed with the application has been considered and incorporated in the following Office action.
Claims 1 – 10 are currently under consideration.

Information Disclosure Statement

2. An initialed and dated copy of Applicant's IDS form 1449, received on August 28, 2001, is attached to this Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hodges et al. (U.S. Patent 6,305,423) in view of Clapton et al. (U.S. Patent 6,192,237).

Regarding claim 1, 3 - 8, Hodges discloses:

A method of updating a virus signature database used by anti-virus software (column 7 lines 28 – 61, column 9 lines 45 – 56).

Hodges does not explicitly state that this update data is sent via a signalling channel of a mobile telecommunications network to a mobile wireless platform. Clapton discloses a system wherein in mobile units (mobile telephones) can send and retrieve data via Unstructured Supplementary Services Data (USSD) messages or Short Message Service (SMS) messages on a signalling channel on a GSM network (column 5 line 47 – column 6 line 13). Hodges discusses an embodiment of his virus signature update system which deals with the Internet and dial-up connections but states “any of a variety of computer networking connection methods are also within the scope of the preferred embodiment” (column 6 lines 35 – 46). Wireless communication is a well-known networking connection medium, and therefore, it is obvious that the virus signature update system presented by Hodges can be extended to a wireless environment. Sending the update on a signalling channel would have also been obvious in light of Clapton’s statement, “another benefit for the mobile system is that by the use of USSD a signalling channel can be used, instead of a traffic channel” and further he states, “the use of a signalling channel is therefore a much more efficient usage of the spectrum capacity” (column 5 lines 35 – 46). Therefore it would have been obvious to combine the virus update mechanism in a wireless environment of Hodges with the method of sending updates over a signalling channel using USSD messages of Clapton, in order to be able to transmit virus updates to wireless clients in a GSM network while maintaining a more efficient usage of the spectrum capacity.

Regarding claim 10, Hodges discloses:

A method of protecting a wireless device against viruses, comprising:
maintaining a database of virus signatures on the device (column 7 line 1 – 61);
and
searching for virus signatures contained in the database (column 7 lines 9 – 19).

Hodges does not explicitly state updating the database by receiving data containing virus signatures in one or more Short Message Service (SMS) or Unstructured Services Data (USSD) messages. Clapton discloses a system wherein in mobile units (mobile telephones) can send and retrieve data via Unstructured Supplementary Services Data (USSD) messages on a signalling channel on a GSM network (column 5 line 47 – column 6 line 13). Hodges discusses an embodiment of his virus signature update system which deals with the Internet and dial-up connections but states “any of a variety of computer networking connection methods are also within the scope of the preferred embodiment” (column 6 lines 35 – 46). Wireless communication is a well-known networking connection medium, and therefore, it is obvious that the virus signature update system presented by Hodges can be extended to a wireless environment. Sending the update on a signalling channel would have also been obvious in light of Clapton’s statement, “another benefit for the mobile system is that by the use of USSD a signalling channel can be used, instead of a traffic channel” and further he states, “the use of a signalling channel is therefore a much efficient usage of the spectrum capacity” (column 5 lines 35 – 46). Therefore it would have been obvious to combine the virus

update mechanism in a wireless environment of Hodges with the method of sending updates over a signalling channel using USSD messages of Clapton, in order to be able to transmit virus updates to wireless clients in a GSM network while maintaining a more efficient usage of the spectrum capacity.

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Hodges discloses:

A method according to claim 1, wherein the update data sent to the mobile wireless platform is a virus signature database update (column 7 lines 28 – 61, column 9 lines 45 – 56).

Claim 9 is rejected as applied above in rejecting claim 8. Furthermore, Hodges discloses:

A method as claimed in claim 8, wherein said request identifies the current status of a virus signature database (column 9 lines 37 – 56).


Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 703-305-8892. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA
09/29/2004


AYAZ SHEIKH
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